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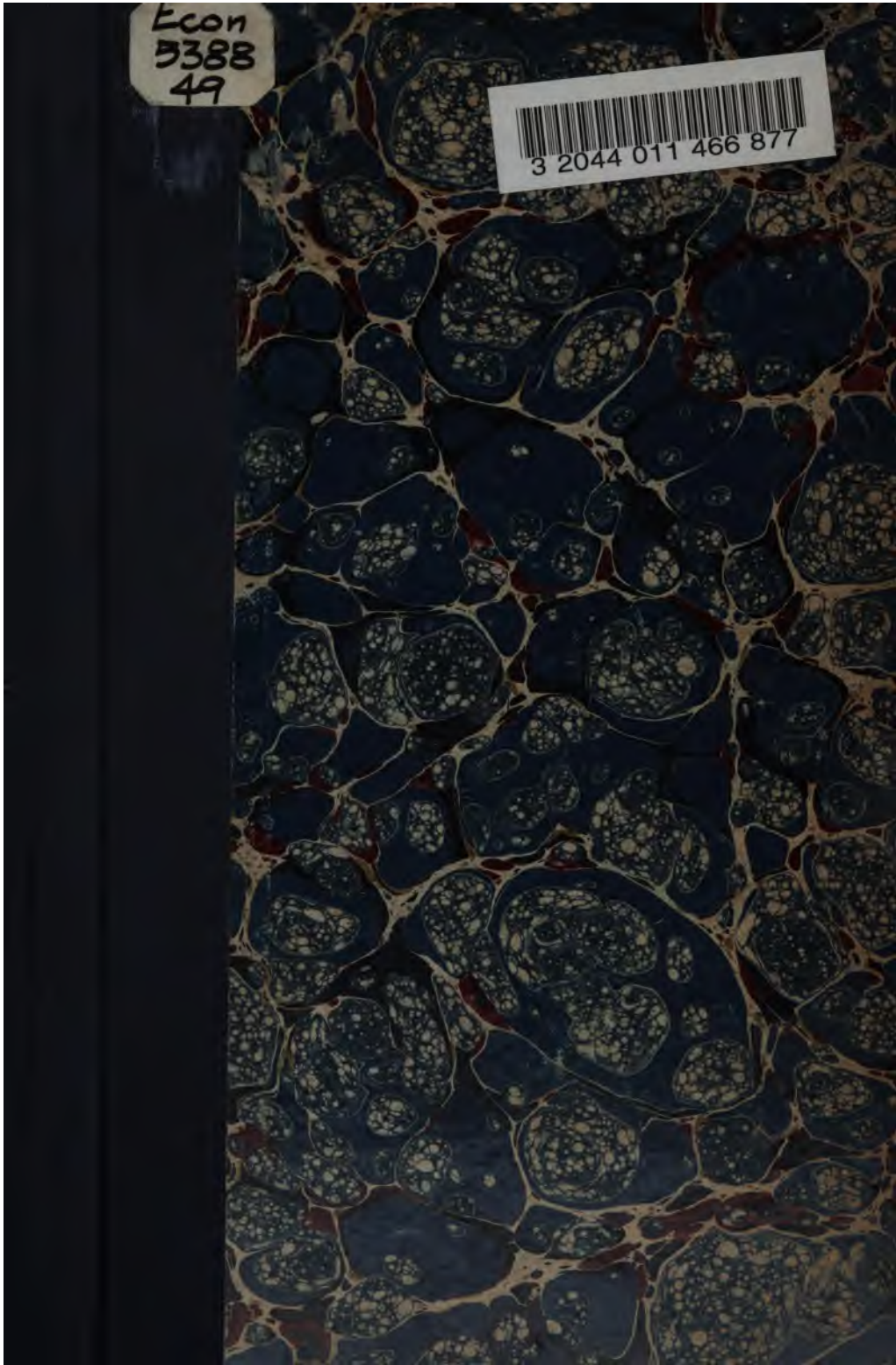
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ON
**THE CONSTITUTIONAL AND MORAL
RIGHT OR WRONG**

OF
OUR NATIONAL DEBT.

BY
FRANCIS W. NEWMAN,

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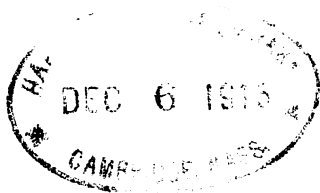
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INTRODUCTION.

THOSE who traffic in the Public Debt of a country have, in one important respect, an interest directly the opposite to the fixed creditor ; just as the speculators in Railway Stock have an opposite interest from the shareholders in general. The permanent holder will be benefited by knowing the whole truth of the concern. If it have weak points,—if his rights have a less pecuniary value than he thinks,—he cannot wish to be buoyed up by false notions, except when the contingency presents itself of wishing to sell his interest to a stranger. Now, inasmuch as the great mass of the English funded debt is held either by trustees or by persons who have selected it as a permanent investment, these have nothing to gain, but in prospect something to lose, by concealment and by inflated hopes : while, on the contrary, it is unfortunate that the useful class of men who from month to month buy and sell largely in the Funded Debt, have a direct and powerful temptation to deprecate all inquiry into its history, its theory, and its prospects. Any discussion, however tranquil, however truth-seeking, must be unpalatable to them. If it should chance to convince the public, that what on the Exchange is called a Perpetuity, will not, cannot, and ought

not to be a real perpetuity, the discovery of the truth, however beneficial to the many, *might** inflict loss upon one who needs to effect an immediate sale of stock. Now, since it is this very class of persons, the great money-dealers, who most affect the action of the Government, the opinion of the aristocracy and the utterances of journalists—who, in fact, are often imagined to represent the interests of the creditors generally, because they have so very large a property, though perhaps a momentary one only, in the dividends guaranteed—it is not surprising, that to direct the public mind at all to the subject, is regarded as mischievous, and that whoever ventures to unsettle the prevalent notions concerning it, is called reckless and destructive.

But the time of acquiescence is rapidly passing away. It is now not solely the ignorant, the undisciplined, the violent, who are advancing views opposed to those which have been current. A Quarterly Review has elaborately maintained, that of our so-called Debt, seven-eighths have, in fact, been already honourably paid : and newspapers, which are deficient in none of the conditions of public influence, from time to time enunciate principles which must prepare their readers to believe that a total repudiation of our Debt would be *just*. This opinion is indeed steadily growing : it is therefore for the public welfare that the whole question be calmly discussed. To the permanent holders of public guarantees, it is of first importance that doctrines which utterly disavow their rights should not advance, unopposed, because ignored. It is im-

* Even this is highly improbable ; for the growth of public opinion is slow. But property-holders are sensitive, and generally urge the extreme and worst possibility against innovators.

possible to oppose them intelligently and effectually without a free criticism of the whole theory of the National Debt; and however distasteful this may be to those whose interest in the Public Debt is large but momentary, every wise and good man who regards the next generation will desire light, and not darkness, for the whole question. If there is any principle in which we ought to have an absolute faith, it surely is in the ultimate omnipotence of Right; and a branch of this is the power of Wrong to curse those who seem awhile to thrive by it. If there is some real injustice in our present system, however cunningly hidden, it will inevitably work its mischief upon us; and those are enemies to true peace and prosperity who forbid inquiry, lest it lead to panic. *Now*, if ever, is the time to discuss; when adverse doctrines are abroad, adequate to stimulate attention and excite anxiety, but not deeply enough rooted nor widely enough spread to be untractable to reason.

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CONSTITUTIONAL AND MORAL RIGHT OR WRONG
OF
OUR NATIONAL DEBT.

THE English nation has long been proud of the determination and success with which it has withstood the usurpations of its *Monarchs*. During the Long Parliament, it was discovered that *Parliamentary* usurpation is also a possible thing; and from the beginning of the reign of George III. it was widely felt that the House of Commons was no longer the trusty and sufficient guard of the nation. But all such sentiment was then denounced by pretended loyalty, as hostility to the British Constitution. The despotic powers rallied, and while breaking down constitutional right, denounced, and often severely punished, those who knew and felt (what they were often but obscurely able to explain) that the House of Commons was becoming itself the power dangerous to liberty and to fundamental law.

This has been eminently exhibited in regard to the very first duty of that House, the superintendence of taxation. It is a trite axiom among our writers on constitutional history, that the liberties of England have depended on the jealous care with which our ancestors vindicated their right of being taxed solely by their representatives, the legitimate House of Commons. At the present day there is no less disputed or disputable fact, than the exclusive responsibility

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It cannot be denied that one extreme case* would justify such a stretch of power ; viz., if the State were driven to choose whether the *present Parliament* or *some foreign invader* should preoccupy our constitutional rights. To save the permanent liberties of our successors, some temporary encroachment on those liberties may be allowed. If the kingdom is assailed by formidable enemies who threaten its subversion ; if the means of repelling them cannot be raised by any immediate taxation ; if present supplies are required, which can only be had from abroad ; if the lenders are not contented without a guarantee of longer payments than can fall within the few years of the existing Parliament ; the combination of extraordinary and overwhelming difficulties might justify some usurpation. But in applying this concession, every link in the chain of alleged *necessity* must be rigidly proved. The necessity must be real, urgent ; untractable to ordinary measures. An extraordinary *process* should be used,—such as specially consulting the Lords,—in order to mark clearly that the Commons does not affect to be acting within its ordinary constitutional rights, as, also, to fence it off from the slippery incline of usurpation ; and after the crisis is passed, a Bill of Indemnity ought to be asked of every future Parliament through as many years as the encroachment touches. *If*, however, in result it appears that this illegitimate forestalling of rights was ventured, not for home-safety, but for foreign schemes ; not in actual need or with actual gain, but for future and cloudy hope ; or *if* the pecuniary means might have been had by immediate taxation ;—and (what nearly amounts to proof of this) *if* the loan was not advanced from abroad, but (whoever was the nominal contractor) was ultimately taken up by English subjects ;—or, again, *if* by mere economising the existing revenue,

* In theory, perhaps, yet *another* case will justify the usurpation ; viz., if some great and *permanent* national gain is to be immediately acquired by it. Thus it would not have been reprehensible to *buy* the Union with Scotland in the days of Edward I., (if it could have been so managed,) by consenting to make large payments for thirty or sixty years together. Such cases are hypothetical only. Unfortunately, tribute does not avert war. Nor will the argument apply to mere contingent advantage, which is only in hope, and not in present possession.

resources might have been had without borrowing; it is manifest that a wholly needless, and therefore an utterly indefensible usurpation has been perpetrated, for which the Minister deserves to be called to severe account.

But even if all the links of argument are sound, and we are forced to advise a breach of the Constitution, this will not suffice to justify any or every breach. It must be restricted to the *minimum* which will effect the object sought for; otherwise, indeed, the remedy may prove worse than the disease. We may escape the revolution which threatens from the foreigner, but induce it by internal disorders. A loan of *ten* millions, with the repayment to be spread through *five* years, might be justified, although the Parliament had only *three* years longer to sit: whereas a loan of a *hundred* millions would be utterly unjustifiable, for the plain reason that so much was not wanted, and could not be used for the security of the country. In fact, any clear proof of extravagance in a Ministry or in Parliament, invalidates the justification attempted. He who is consuming turtle soup and champagne at his own table, cannot plead famine and necessity for stealing loaves at a baker's shop. Without strict parsimony in the administration of the available revenues, none but an impudent Minister could plainly ask of Parliament, *by reason of the public poverty*, to forestal the revenues and rights of its successors. Rigid and manifest frugality is the *prima facie* guarantee, never to be dispensed with, that the necessity of usurpation is real and not pretended.

But supposing all these conditions to be fulfilled, that the pressure of danger is intense, all the sinews of the country strained already to the utmost, and supplies *from abroad* apparently the only thing which can save the State; even so, nothing will justify promising *perpetual* interest on a loan; a kind of bargain which unites the largest possible breach, not of the English Constitution only, but of common sense and common morality, with the smallest imaginable advantage. To promise that interest shall be paid a thousand years hence, in payment of a present sum received by us, is an evident and monstrous absurdity. It is also an immorality; because it

directly tends to entangle our successors into an act of repudiation, which, however necessary and inevitable it may be, and on the main grounds justifiable, is certain to involve, on secondary grounds, very demoralising consequences. If we undertake that our immediate heirs, who feel and acknowledge their relation to us, shall bear a certain burden at our request, we undoubtedly take a liberty with them, yet one which, under strong pressure of circumstances, may not be wholly unreasonable. But if we promise that our descendants of the twentieth generation shall honour our bills, we delude the man whom we induce to accept them, if he believe us. If he does not believe us, we cheat the nation gratuitously.

In fact, he will *not* believe us. Hence, while we push to the maximum the usurpation of the rights of successors, we get no advantage from it. The capitalist who is solicited for a loan by a needy Finance Minister, considers, first and chiefly, how soon and on what terms he will be able to sell his rights in it. The rate of interest which he demands will vary from $3\frac{1}{2}$ or 4 per cent. to 8 or 10 per cent. according to the existing aspect of political affairs, which may thus cause a variation of payment amounting to 300 per cent. But the difference in value between 1*l.* a year to be paid in perpetuity, and 1*l.* a year to be paid for seventy years to come, is small, even when computed mathematically ; * so that, in actual life, it would constantly be swallowed up by other more powerful causes. The result of a great battle has often halved or doubled the value of securities. Whether the lender exacts repayment of 7 or 10 per cent., or is satisfied with 3 or 4, depends upon the affairs of the present half-century. Concerning the remote future he does not trouble himself at all. Thus, by promising payment of interest for ever, it is doubtful whether any Government, *in times of pressing danger*, has ever got better terms, than if it had promised the same for seventy, sixty, or even fifty years.

The urgent fear of the lender is, lest inevitable repudiation overtake him in his own lifetime, and before he has had time

* At five per cent., the present value of the former is 20*l.*, of the latter is 19·343*l.*, which is a depreciation of $3\frac{1}{4}$ per cent. only.

to sell with advantage. In comparison with this danger, he would think nothing of the certainty that the payments will *only* last fifty years; nor will any promise of eternal payment comfort him, when he contemplates the present or contingent dangers of the State. At any rate, the difference between Long and Perpetual Annuities, in critical and threatening times, is to the borrower extremely slight, though the difference to posterity in the repayment is momentous. If fifty years had been our maximum period, so large a part of the debt would have died out of itself, that, with our existing amount of stupidity, extravagance, and taxation, we might perhaps already have liquidated the remainder. To promise interest for ever, in troublous times, appears to be one of the most gratuitously profligate acts which a Minister can commit; and would be judged to deserve impeachment if we were not so accustomed to it.

How this monstrosity crept in, it is not difficult to see. Those who first borrowed, did intend to repay. They never meant anything so absurd as *perpetual* interest, but only interest *until* the day of payment; and in fact, before the great French war, various attempts at repayment were made. During the reigns of William III. and George I., ministers repaid enough to show that they really had a conscience about it. Under George III., in a course of years following 1763, they managed to pay ten millions out of a debt of a hundred and thirty-nine; and after the enormous addition to it in the American war, in nine years of peace they paid off another ten and a half millions. The folly of the Sinking Fund was next a substitute for repayment. This, after costing the nation a clear loss of eleven millions, was condemned; since then, to liquidate the principal of the debt has been treated as impossible. To promise interest *sine die*, forthwith became the immoral absurdity of promising it *eternally*; but this startles not our rulers, who, as regards the future, are practically become fatalists, and only think how to make the State-machine last through their own day. So was it under Louis XV. Can anything be more alarming to a thoughtful mind, than such a fact? Nay, in thirty-four years of peace, we have twice

borrowed large sums (about eighteen out of twenty millions for the West Indian grant, and ten more for Irish advances), and each time the loan has been got by contracting to pay interest *for ever*. Ministers congratulated one another and the country on the favourable bargain they had made; and no public man in Parliament cried out that the new debt should be repaid within a short period, although it might easily have been done:—so powerful is evil precedent to blind even thoughtful, educated, and honourable men! Our ancestors three and four centuries back, had far less enlargement of experience and versatile cultivation than we; but they had in this matter *a fresh and uncorrupted eye*, and rejected with horror the idea of borrowing without a term of repayment. “In those days so cautious was the Parliament of burdening future generations for the exigencies of the present moment, that when the annual income was inadequate to meet the charges of foreign wars, annuities were granted, not in perpetuity, but for *lives and terms of years*, the produce of *certain duties* being mortgaged for their discharge.” *

But with the Revolution of 1688 began our intoxicating race of ambition, in which Right and Prudence were alike forgotten. It is now more than a century since David Hume published (in 1742) the first series of his celebrated Essays. At that time the Funded Debt was about fifty millions; a sum formidable enough. In his Essay on Civil Liberty this ingenious writer advanced a formal speculation, that the greater facility of borrowing enjoyed by *free* Governments, would gradually neutralise all the advantages which they possess over those who live in vassalage to despotism. “Among the moderns,” says he, “the Dutch first introduced the practice of borrowing great sums at low interest, and well nigh ruined themselves by it. Absolute princes have also contracted debt; but as an absolute prince may make a bankruptcy when he

* From Penny Cycl. NATIONAL DEBT. It is characteristic that the well-informed writer defends the debt, calls it necessary, and almost smiles at the scrupulosity of our ancestors; derides as short-sighted those who predicted bankruptcy when the Debt should have reached 100 millions: (ought they to have foreseen the steam-engine?) and says that “experience proves” we shall never pay off the principal of the Debt.—That is *induction!*

pleases, his people can never be oppressed by his debts. In popular Governments, the people, and chiefly those who have the highest offices, being commonly the public creditors, it is difficult for the State to make use of this remedy, which, however it may be sometimes necessary, is always cruel and barbarous. This, therefore, seems to be an inconvenience, which nearly threatens all free Governments, especially our own at the present juncture of affairs. And *what a strong motive is this, to increase our frugality of public money, lest, for want of it, we be reduced by the multiplicity of taxes, or, what is worse, by our public impotence and inability for defence, to curse our very liberty, and wish ourselves in the same state of servitude with all the nations that surround us.*"

Ten years later, the Debt had risen to seventy-six millions, and a second series of the Essays appeared. In the Essay on the Balance of Power, Hume writes as follows: "Our wars with France have been begun with justice, and even perhaps from necessity, *but have always been too far pushed from obstinacy and passion.* The same peace, which was made at Ryswick in 1697, was offered so early as 1692: that concluded at Utrecht in 1712, might have been finished on as good conditions at Gertruytenberg in the year 1708; and we might have *given* at Frankfort in 1743, the same terms which we were glad to *accept* of at Aix-la-Chapelle in the year 1748. Here, then, we see that above half of our wars with France, *and all our public debts,* are owing more to our own imprudent vehemence, than to the ambition of our neighbours.—In the second place, we are so declared in our opposition to French power, and so alert in defence of our *allies,* that *they always reckon upon our force as their own; and, expecting to carry on the war at our expense, refuse all reasonable terms of accommodation.* . . . All the world knows, that the factious vote of the House of Commons, in the beginning of the last Parliament, with the professed humour of the nation, made the Queen of Hungary inflexible in her terms, and prevented that agreement with Prussia which would immediately have restored the general tranquillity of Europe.—In the third place, we are such true combatants, that, when

once engaged, *we lose all concern for ourselves and for posterity*, and consider only how we may best annoy the enemy. *To mortgage our revenues at so deep a rate, in wars where we were only accessaries, was surely the most fatal delusion that a nation, which had any pretensions to politics and prudence, has ever yet been guilty of.* That remedy of ‘funding’ (if it be indeed a remedy, and not rather a poison), ought in all reason to be reserved to the last extremity; and no evil, but the greatest and most urgent, should ever induce us to embrace so dangerous an experiment.”

In his *Essay on Public Credit*, he is equally decisive in his condemnation of this “*practice ruinous beyond all controversy.*” No book of those days was more universally studied and admired than these *Political Essays*. It cannot therefore be said that we are wise only after the event, and that the nature of these unscrupulous transactions was not understood a century ago. But—(what peculiarly shows the utter want of principle in our Statesmen)—the Debt accumulated for an entire century without any one thinking it worth while to set up a formal defence, or pretended necessity, for usurping the rights of successors, and ruining the inheritance of Parliament. There was not enough virtue to make it worth while to be hypocritical. The usurpation was perpetrated with barefaced simplicity, and while the Administration was notoriously lavish and prodigal. At the end of the French war the entire Debt amounted to 885 millions, of which sixteen millions were contracted by William III. in fighting for the freedom of Holland,—an excellent object, if the burden had been borne by that age; but there was nothing in it to justify bequeathing a debt to the next generation. For the Spanish Succession,—a wholly worthless matter,—thirty-eight millions were added to the Debt under Queen Anne. At the accession of George I., Parliament was exceedingly uneasy at finding the burden to be fifty-four millions, and effective measures were (for the first and last time) taken to reduce it. All was useless; because they did not attack the evil principle, and denounce it as unconstitutional and against fundamental law. By honouring the illegal bills, they encouraged Ministers to

draw fresh ones. Hence, under George II., eighty-seven millions more were accumulated for the Austrian Succession and for the Seven Years' War; in neither of which had this country interest or duty. Blind hatred of France alone impelled us. The American war followed, and raised the Debt from 129 to 268 millions; but certainly George III., at whose command Lord North violated the fundamental rights of the Colonies, and plunged into the war against his own judgment,—would have been surprised and displeased if any one had defended the usurpation on coming generations by alleging that the liberties of Englishmen were at stake. In the war against the French Republic, we fought to revenge the blood of Louis XVI., a thing which did not vitally concern this nation, nor was in any way our duty; yet it added ten and a half millions to the *annual charge* of the Debt. The war against Napoleon followed, which at last became one of self-defence; but few will pretend that we could not have avoided it, if we had been earnest so to do. It cost 420 millions more than the annual taxation brought in; but Parliament and the Ministers, like men hardened to vice, had left off bashfulness and fear. Passion drove out all calculation.

That in this whole French war, our predecessors were not reluctantly forced on by the urgent fear lest England should become the spoil of a foreign invader, it is superfluous to prove. Pride, ambition, hatred of republicanism, contempt of the French, and the habit of dictating to foreign nations, were the vices which chiefly goaded them forward; and to indulge these vices, they incurred our debt. But let us call all this by the fair name of honourable ambition; still, that is not fear of enslavement. They had indeed fear and anxiety; but it was, lest our people should imitate foreign republicanism and trample down aristocracy at home. Grant that this was a natural and just fear; grant that it demanded an internal vigorous policy of conciliation joined with coercion: it was at any rate quite different from that imminent peril of subjugation by the foreigner, which could alone justify the rulers of that day in laying a burden on industrious persons unborn.

Nor can it be maintained that in result we have been actually freed from foreign slavery by the money which was so recklessly borrowed and squandered. At present the annual expenditure of England is fifty-four or fifty-five millions ; yet our fleet and army are far more than abundantly competent to the defence of our shores, and our general scale of payments in the civil service is notoriously lavish ; so that, if occasion required, and it were impossible to raise a larger income, the army and navy might be immensely increased by economizing from this same revenue. In the later years of the war, the money actually raised from the nation was about seventy millions annually, which will hardly be estimated as less than sixty millions of the present currency, allowing for depreciation. If such an average yearly sum had been insufficient for twenty years together, to save the United Kingdom from the enmity of the French, no sum would have sufficed.

Nor has the worst been stated against the legislative malversation of that day. Not only was the expenditure not essential to the defence of posterity, and the debt therefore illegitimate ; but, on another ground, it was infamous to bequeath it,—namely, the classes represented in Parliament *had themselves got the means, but did not choose to pay*. The loans, when contracted, were actually taken up by our own wealthier people ; and, therefore, had real necessity required, might have been got by immediate taxation. Why this was not done, is transparent. Industry was already so loaded, that more could not be put upon it, without lessening its returns. If casting the payment on posterity had been absolutely prohibited, then, in order to raise the sum desired, landed rents must have been taxed. This would have probably been done by various Ministries, if they had dared ; but the Parliaments after the Revolution, having ousted the Crown from its old rights to feudal service, and confirmed the iniquitous alienations of public lands and tithes, struggled to hinder any compensatory taxing of the rent, and grudgingly voted the land-tax only from year to year, while mortgaging all other taxes in perpetuity. For about two

centuries, what has been paid as land-tax is twenty per cent. *upon an old valuation*, and the Ministry have never since the Revolution ventured to demand that the payments should be taken on the real rent, any more than they have dared to extend the Probate and Legacy Duties to freehold property. Yet in their schemes for forestalling the income of posterity, they alighted in 1798 upon the measure of fixing and then *selling for ever*, to private hands, *the proceeds of this old land-tax*. Either the landowner or a stranger advanced the capital to the Government; in the former case the land became tax free, in the latter the Government gave a proportionate quantity of *stock* to the purchaser (*i. e.* yearly interest for ever). By this enactment the rent of England was estimated enormously below the truth,—and although by fixing the payment in perpetuity, a most unjust guarantee was offered to the landholders that the tax could not be increased, yet the measure was by no means acceptable to them. If the four shillings in the pound had been taken on a real valuation, and the landed aristocracy had found that the war-taxes must fall in full proportion on themselves, they would soon have checked lavish expenditure. But the iniquitous device of the Debt prevented so wholesome a process; and future industry was saddled, not through any kind foresight for the industrious, nor from any want of present means of payment, but in order that Land, which, as alone permanent, can alone be plausibly mortgaged for a perpetuity, might above all things be exempted.

The intensity of profligacy in these transactions, proposed and carried by reputable statesmen, is quite amazing. *First*, enormous payments are promised out of the public taxes; *next*, the only taxable thing really perpetual is guaranteed against taxation! The second act was a fraud, alike on the nation and on the creditor. It was as if one alienated to a new purchaser, and for a small sum, the best part of an estate which had been already mortgaged; thereby depriving the creditor of his security. But it aided the career of prodigality; for thenceforward, the landlords felt safe against a land-tax based on a *bonâ fide* valuation; so they voted with

greater and greater ease all that Ministers wished. Profuseness and lavish waste, which had before seemed unsurpassable, received a new and prodigious impulse; so that even after the battle of Waterloo, when the Debt (funded and unfunded) had reached 885 millions, we fancied we could afford to be *generous* to our allies. About five millions sterling was awarded as our indemnity from France for the sixty days of 1815; but the sum appeared too small to take, so we freely gave it to the King of Holland to build fortresses, guaranteed payment to the Russians for garrisoning them, declined to press the Austrians for the seventeen millions lent to them, and granted* from four to five millions more to aid the homeward march of the allied armies! None are so free to spend, as those who do not mean to pay.

In this whole history we see the *portentous results of allowing usurpation once to insinuate itself unrebuked*. The fatal facility denounced by Hume no doubt explains the affair. This facility captivated the elder as much as the younger Pitt; and when Whigs and Tories had both accepted "hush-money," no outcry in Parliament was possible.

"It is very tempting to a minister," wrote Hume in 1752, "to employ such an expedient, as enables him to make a great figure during his administration, without over-burdening the people with taxes, or exciting any immediate clamours against himself. *The practice, therefore, of contracting debt will almost infallibly be abused in every government. It would scarcely be more prudent to give a prodigal son a credit in every banker's shop in London, than to empower a statesman to draw bills in this manner upon posterity.*"— (Essay on Public Credit.) This was published four years before the Seven Years' War began, excited by a quarrel about some desart of snow in North America.

Some persons make much of the fact, that the American war and that against Napoleon were popular in England; whence they infer that the poor, to whom past generations

* "We believe in some cases it was idly called *loan*," says the approving M. Farlane.

have bequeathed nothing, may be fitly charged with the interest of the Debt. But nothing of the sort can be deduced. It is indeed as idle to dwell on the war-loving spirit of our lower classes, as to make much of a boy's approval of his guardian's lavish expenditure. The mass of the nation could know little of the rights of either war, and still less of the financial operations; but as soon as they found themselves actually engaged, a certain patriotism prompted them warmly to espouse the cause of their rulers. If they were unduly vehement, they were punished by high taxation during their own lifetime; but, as already insisted, they had no right in any case, even had democracy undisputed sway, had the populace had the full responsibility of public measures, to leave to their children a debt bound upon the brain and sinews of industry. At the same time, when we speak of the labourer and of industry, the phrases must not be understood solely of the *poor*. The capitalist is often the most industrious of men. Taxation falling now on a farmer or manufacturer, in order to pay for sums borrowed eighty years ago by persons to whom God gave no authority over us, is not the less unjust, though the payers happen to be rich.

A general review of these scandalous transactions brings us to the conclusion, that no *constitutional* obligation of the British nation to pay interest on the National Debt can be made out *from the original contracts*.

Those contracts were legally null and void to every new Parliament, just as much as the bond given by a drunken father, that his children's children for ever should pay yearly tribute to the wine-merchant and his representatives. Such mortgages must be laid on property only, not on persons. If the first Parliament of George I. had upon constitutional principle disowned the whole debt then existing, and ordered the creditors to sue the king in his own courts, and get what redress they could from the royal property, they would have been benefactors to England and to Europe, and would now be judged to have dealt with harsh but strict legality. Moreover, it would have been in their power after all to make a gracious gift to the creditors, if the legal verdict had

been very cruel upon them. But precedent conquered them. That the English Parliament to this day pays the dividends without protest, in part arises out of our pride and high spirit, but quite as much (it is to be feared) out of the circumstance, that those who vote the taxes represent either the commercial classes, or a class which is favoured in the taxation. While such is the case, nothing but sheer inability to get the money will prevent English Parliaments from being not equitable merely, but generous at other people's expense. The same influences which made them acquiesce in borrowing, still make them easy in voting repayment. But if ever times of great and long-continued public trial arrive,—if ever the taxation is made to fall principally and sensibly on the rich and landed gentry, or if ever the franchise is so lowered as to give active and real influence to the poor, it is too much to expect that the House of Commons will continue peacefully and ungrudgingly to acknowledge *for ever* Bills which were illegally and immorally drawn upon it by a distant generation. Strong protests will be followed by divisions, and by increasing minorities, and as a result of such agitations, the market value of such "securities" will fall.

If the original transaction had been morally necessary, or if we were enjoying any benefit from it, or *any fund had been bequeathed with the express purpose of defraying the liabilities*,—the system might continue for an indefinite time. But the peculiarity in our present state is, that there is nothing to bring honest and unbiassed men into agreement as to what are the *moral* and *real* liabilities of the nation. Among those who discern and avow the illegality of the Debt, there remain three competing opinions as to its moral claims upon us.

The **FIRST** opinion asserts that our fathers, with all their faults, have left us in England a noble inheritance of skill and property, as well as of sentiment, credit, and glory: in fact, that the roads, the harbours, the docks, the government buildings, and all our accumulated capital, are probably worth more than the 800 millions of debt. Consequently, although the Debt has not been attached to definite pieces of property,

it is not the less truly bound on our consciences. Hence to disown it, or to pay less than its full current estimate, would be to commit a fraud in vindicating the just freedom of Parliament.

The SECOND opinion protests, that neither by law nor by right can any mortgage be laid on the *minds* or *bodies* of men; and that whatever may be said about the liability of property to pay the debt, no case can be made out against industry. The industrious poor took no part in contracting it, and have gained no benefit from it, though for eighty years they have borne a disproportionate taxation for it. To say that the poor would now be the worse, if the needful moneys had been raised in the war by immediate taxation, is so gross a delusion, as hardly to admit argument. None are obliged to bequeath property to children; but the child which comes into the world unprovided, has a right to be also unencumbered, else a new slavery is enacted. It avails not to say that our poor have *sentiments* and *habits* and *skill* bequeathed to them. No debt can legally or constitutionally be attached to these, nor yet morally, in any but a most extreme case; while, in fact, no extreme case can historically be established.

In THEORY the debt must be justly regarded (according to this second opinion) as bound on all old property; but the theory of the doctrine is far clearer than its practical application. For, first, to distinguish between the old and the new property is impossible, or between the unimproved and the improved; or between that which our immediate ancestors could not help transmitting, and that which was theirs to dispose of or to bequeath. Moreover, of that which is really bequeathed by them (as the fortifications at Gibraltar, or the turnpike roads of England), it is quite impossible to estimate the value. These things once cost a great deal; yet the public creditor would value them cheaply, unless some political monopoly or privilege were granted with them: a large part of them would be to a mortgagee, who dared to enter on possession, an enormous expense, not a source of revenue. But since there can be no agreement as to the *principle* on which a valuation of the property bequeathed with the debt

shall be made, and since it is not imagined by anybody that 750 millions of present money could be realised in the market from such public property as could *justly* be sold, and could be plausibly called older than 1815 ;—since also the old private property has changed hands very largely ;— it is unfortunately impossible to make out from the doctrine of *bequeathment* any argument which shall tie the Debt on the conscience of men of property. If indeed the holders of old property will come forward and freely acknowledge that upon this ground the Debt is attached to them, it will not be for others to cavil.

As regards those who received no property from their parents, it may aid to show how free from all obligations they are, so far as this argument is concerned, if we imagine that in 1815 a monomania had seized the whole English nation ; that they had, as far as possible, destroyed by the pickaxe and by blasting, by flood and fire, all the fixed or elaborate capital in Great Britain, leaving only food for one year, and the rudest tools and aids known to semi-barbarous times ; and had at the same time destroyed the Debt, *but preserved political harmony*,—it is, at least, a tenable opinion that the country would in consequence already be richer than it has actually become, and yet have no Debt. For five years there would have been great private and public poverty ; before ten years there would have been high and rapidly advancing prosperity ; and, by 1830, the country would have been competent to commence the railway system, as she actually did. In the last twenty years, with the same taxation, and the same lavishness, the Exchequer would have had twenty-six millions yearly to spare on reconstructing and beautifying all that had been overthrown. Thus there appears not a shadow of argument on the side which alleges that our working millions are the better for the *Property* bequeathed with the Debt.*

* John Mill [POLIT. ECON., Book I., ch. v, §§ 6, 7] is of opinion that exceedingly little *productive* property can be said to be inherited from ancestors. “Bridges and aqueducts, tanks and embankments,” exhaust his list of such inherited property. “Capital is kept in existence from age to age, not

The THIRD opinion consents to the second, that the history of the Debt exonerates industry from defraying it, if we deal by justice; but proceeds to deny that private property is in any sense to be regarded as saddled with the public mortgage. In the original contract no distinction was made between taxes on property and taxes on industry. The borrower did not offer, and the lender did not suppose he was receiving, a lien on the existing private property of the country, which, in fact, no one imagined that Parliament could pledge, or was pretending to pledge. What then was the security offered? It was the *honour* of the Government. In the conventional, as well as in a legal sense, it is emphatically a Debt of *Honour*; and for that reason, it is both allowable and a duty to inquire into the honourable character of the original transactions, and the practical remuneration which has been received. If that has been already adequate, honour is satisfied, and repudiation is allowable, or rather is a duty. It undoubtedly (say they) *has* been adequate, to by far the greatest part of the Debt. High interest was paid (by evading the law) as a compensation for immediate risk. The risk was that of speedy bankruptcy; but the event did not occur. The creditor has received his dividends for a longer term than he himself calculated on; and if an original lender were now alive, and still retained his rights in the public dividend, he would himself be forced to confess (if examined before a Committee of Parliament) that his remuneration has already been ample. But if not, then order him to bring his action against the Crown, and recover what a court of law will award him. It will then appear whether Lords Denman

by preservation, but by perpetual reproduction. The growth of capital is similar to the growth of population." "The land subsists, and the land is almost the only thing that subsists." [The land was not made by one generation of Englishmen, and cannot be sold by one generation,—except when the extreme and immediate danger of losing the *whole* by violence suggests to sell a *part*.] Hence Mill accounts for the rapid recovery of countries from the worst devastations. "The possibility of a rapid repair of disasters, mainly depends on whether the country has been depopulated." Thus we come back and back to the conclusion, that to mortgage the taxes is to mortgage men's sinews and skill, and to establish a state of half-slavery.

and Abinger will decide that taxes are chattels, which can be seized for debt, or what sort of Crown Property is liable. Besides, it does not concern us to uphold the *honour* of profligate administrators. It is far more wholesome that private persons should have severe warning *not* to trust to Government promises, and that every Ministry should be forced to take the odium of immediate taxation. Why spoil this lesson by being tender for Government honour?—On such or similar grounds, if I understand, the reasoners are prepared to disown the Debt, as soon as such a measure can be carried in the Lower House. But they generally state their arguments without their conclusion.

Each of these three views is maintained by apparently honest men, accustomed to moral and political reasoning. At the present moment, the first of the three would undoubtedly be best supported; it is a doctrine made for times of public prosperity. But the longer a settlement of the Debt is postponed, the more the second and the third opinion are certain to grow. Naturally, the farther we are from the generation which so profligately and illegally drew these bills on us, the more disposed we shall become to depreciate or refuse them; and the longer the time during which the Public Creditor has received payment, the more the third opinion will tend to supplant the second. It cannot therefore be reasonably doubted, that those who pertinaciously refuse to economize now, when we might thereby pay twenty shillings in the pound within a moderate number of years, and who insist on acting the Fatalist, and leaving all difficulties to the chances of the future,—such persons, (though they generally call themselves Conservatives,) are promoting an ultimate Repudiation of the Debt.

The very sound of this word Repudiation is too dreadful for delicate ears: by naming it, we are supposed to advise it. On the contrary, it is requisite, not to name it only, but to warn people of that which threatens futurity, *in order to enforce on them the necessity of an immediate settlement by present economy*. We have been at peace thirty-four years. By haggling cleverly with the creditor, we have lowered his

claims by fifty millions; a large sum, though not much out of a funded debt of 816 millions; on the other hand, we have borrowed about twenty-eight millions, *and mixed this up with the old debt*: so very far off are we from attempting an extinction of the monstrous system! We have scourged India likewise by importing this odious vice into the East; and modern European statesmen appear to regard it as a law of nature for each generation to go on accumulating fresh liabilities. No ministers, no Parliament, will trouble themselves to reform this evil, until the ugly word Repudiation begins to frighten them; and if they can stop their ears against all such alarms, they will go on as hitherto, until Repudiation comes down in earnest, with such strength, that it will be too late to compromise, at least without far greater disadvantage to the creditor than now.

Any single Member of Parliament who may choose to persevere in pressing a Declaratory Law on this subject, is able to show the Public Creditors by how frail a tenure they hold their imagined rights. He has but to propose a vote of the House of Commons: "No Parliament has legal and constitutional authority to dictate to a succeeding Parliament concerning the levying of taxes, nor to empower any Minister to make promises of payment from such future taxes; but all such promises made in past times *are and always were* illegal, null and void." Nothing is wanted but a voice to speak such words in a seat of public deliberation, and the Creditor will instantly understand that he receives his dividends *by sufferance, by indulgence, as a matter of expediency*, but not by law or right. The House may be counted out, and no debate take place, but the condemnation of the system will be dated from the day on which notice is given of the motion. Indeed, the value of the securities may fall more by a protracted and vehement debate, than by an actual settlement such as alone would now be made.

But, (it is asked by some,) why is Repudiation to be deprecated, when it is so clear that the creditors have no constitutional claim on Parliament, and no moral claim on most of the tax-payers? The question is a proper one, and I

only know one reply. The moral grounds for paying the dividends are not *primary*, or depending on the original contract, but *secondary*; viz., (1,) Because of the imminent and great dangers and sufferings to all classes, which Repudiation would cause. (2,) Because each successive Parliament has in turn connived* at the public sale of the claims of individuals over the proceeds of future taxation. These reasons, resting on *expediency*, *kindness* and *equity*, are practically quite cogent against abruptly discontinuing the payments. But do they equally justify Parliament in repeating the connivance, and sanctioning the usurping enactment that the payments shall be continued *for ever*? Surely not. The wisest and most honourable thing to do, is, (in my belief,) so to increase the yearly payments as speedily to extinguish the Debt, using at the same time such public frugality as not to need an increase, but even bring about a reduction, of taxes. We are undoubtedly *at liberty* to do this, if we are willing. But we are *not* at liberty, *without urgent and insuperable necessity*, to repeat against future times the usurpation transmitted by our predecessors. Former Parliaments have neglected to protest against it: how is that a reason for our not protesting now? Then again, as to the *dangers* of disowning the Debt;—to discontinue paying the dividends all at once, would be an awful thing; but if in the contest for the Reform Bill, the Grey Ministry had announced, that after carrying the Reform, they meant to propose an Act for abruptly terminating all payments to the Public Creditor after the year 1880, it is doubtful whether the funds would have been more violently affected than they were by other circumstances of the struggle; and no reasonable man can say, that such a resolve and act (just or unjust) would have involved public danger.

People who wish to do nothing new, and let the future take its chance, often think that they meet all the requirements of public duty on the following plea:—"We are willing to go

* The Court of Chancery often virtually *forces* trustees to buy into the "Funds," by ruling that nothing but this, or a mortgage on land, absolves them from legal responsibilities.

on paying the dividends during this generation: that, and only that, is our affair. To pay off at our own cost a charge which our predecessors laid not on us alone, but on all future generations, is *not* our affair. Why are we to pay the debts of posterity? If posterity choose to repudiate, let them do so." This however is not to answer, but to evade the whole argument. If posterity is to be implicated in this debt at all, *it will be by our act*, and not by that of our predecessors. The obligation is passed on and on, only by a perpetual neglect to protest against the usurpation. If we of this generation, while paying the dividends, *yet fairly give public and parliamentary notice that we do not assume power to bind the next generation to do the same*, we may then, but only then, claim to say tauntingly, "Let posterity repudiate, if they choose." But if Parliament neglects to avow that it does *not* engage for its successors, the creditor will always hold that the successors are pledged, and in consequence they then will not be able to repudiate without a dreadful convulsion. Thus, by going on in connivance at this evil system, we make ourselves accessory to the mischiefs, which it must sooner or later work, if not wisely terminated.

The case then stands thus. We have a PRIMARY duty of justice towards coming times, to leave off the usurpation of their rights: we have a SECONDARY duty of equity and expediency towards the Public Creditor, to pay him, if we can, twenty shillings in the pound. Of these two duties, the first is to be performed at any rate; the second, so far as possible, without violation of other equities. If it be really impossible, then, on every moral ground, we are clear from fault in paying a percentage only of the debt, and so terminating it. We may however treat it as perfectly certain, that those who now cry out that greater economy cannot be attained, and will hear of nothing but *perpetual* dividends,—if a new Parliament were to vote that "Constitutional Right demands a termination of all payments for debt within thirty years' time at farthest,"—these same men would quickly discover with Mr. Cobden, that ten millions a year can be saved out of our present

expenditure, and that nine of these millions* should be added to the yearly dividends, so as to pay off the whole Debt in thirty years. To fix sixty years (or two generations) for the limit of time, seems to me to be straining our rights over posterity to the utmost; for to dictate to a third generation is monstrous.

Nothing but necessity could have justified our predecessors in leaving us this Debt; yet no necessity existed. Nothing but necessity can now justify us in transmitting it to our successors; yet no necessity exists. It is not necessity, but pride, ambition, desire of patronage, or sinister private interest, which keeps up the vast expenses of our Colonial Empire, and our Army and Navy. Since it is undoubtedly in our power to revert to the scale of expense which followed the Reform Act (nay, and to economize far beyond that point, by internal frugality, and by forcing Ireland and the Colonies to support themselves), it is clearly in our power to pay the Debt in thirty years' time, and it is hypocrisy to plead necessity for transmitting it to future generations. Yet so blindly selfish are we, that we do not even try to lessen anything but the *immediate* pressure of the burden; and we lavish money in ostentatious generosity, while about to leave to children so monstrous a bequest. A great reform of evil habits is always easier than a little one. A resolute determination *to limit the duration* of the payments is imperatively called for by faithfulness and prudence; and if, with our enormous resources and long peace, Parliament continues to neglect this duty, it will imperil the peace of the empire and stability of the throne.

No doubt there will always be those who fancy a great advantage in *deferring* such efforts. It will be argued that the next generation will be more numerous and richer than we are, and better able to deal with the Debt than we: or again, that it is wiser to remit the taxes (if they are not abso-

* At five per cent., *1l. per annum* for ever has for present value 20*l.*; but *1l.* for thirty years is worth at present 15·372*l.* Add to the last one-third, or 5·124, and the sum a little exceeds 20*l.* Hence adding rather less than a third to the interest of the debt extinguishes it in thirty years.

lutely wanted), and leave them *to fructify in the pocket*, than use them to pay off the Debt: as if all money in the pocket fructified! as if the additional millions paid to the public creditor were less likely to fructify with him than with others! Arguments which so address themselves to selfishness and laziness do not deserve attention. Yet it may be remarked, that no one is so likely to save the moneys paid him in excess, as the creditor whose perpetuity is turned into a short annuity; for he will desire to use the payments as a supply for the future foreseen loss of the dividend; and the additional income, not having been yet assigned to definite use, will be free for productive purposes. It is far less probable that ten millions of taxes, if remitted, would be used for anything but immediate enjoyment. On the other hand, nine millions in excess paid to the present fundholders for thirty years together, would soon renew the face of the United Kingdom. British agriculture would first feel the boon. No solid railway undertaking would languish for want of capital. In a few years the soil of Ireland would be invaded by wealthy proprietors. Legislative difficulties would be swept down before such a flood of capital year after year determining itself to the soil; and Ireland would cease to be the opprobrium of the British empire.

Undoubtedly, many of our present taxes, especially the Excise, the Window Tax, and the very excessive Tea Tax, are highly injurious. The Excise ought to be abolished, on constitutional as well as economic grounds; many other important changes are needed, and it is not pretended that we can get through our Debt by so simple a means as returning to the expenditure of 1833-6. There is indeed a point of view from which it might seem just to make the Colonies bear a share of the Debt; viz., since it was in part incurred in warring for the Colonies; but taxation is so ruinous to ill-peopled and migrating communities, that such an expedient could not be recommended. Nor has it yet appeared whether rents of Colonial lands funds could be realised, wisely applicable to this object. If by attempting it we cripple the industry of the Colonies, far more is lost than gained. On the other

hand, these considerations make it a duty so much the more urgent, not to allow any except quite *infant* colonies to cause expense to the Imperial Government. Without a doubt it is from Colonial Reform that the solution of all our difficulties must begin. If we bid our Colonies to govern themselves—as they did *without leave of Parliament and by their rights as Englishmen* two centuries ago*—they will gladly bear their own expenses. The principle of decentralisation will give content, and if not good government, yet better government than Downing-street and St. Stephen's can give—to Ireland as well as to the Colonies; and if Great Britain were chargeable only with her own government (as equity and expediency and the interests of the Public Creditor alike demand), we could undoubtedly, without distressing ourselves, pay off the whole Debt without deduction in thirty years.

Nor ought the contingency of war to abate our resolution to pursue the course here pointed out; but, contrariwise, to confirm us in it. If we should be forced into a war, we obviously ought, by an immediate war-tax, to raise within the year all that is wanted. This will involve self-denial, and will be a guarantee that we shall not plunge deeper into the war than the necessity or the duty demands, or allow our allies to cast all expenses on us. On the other hand, the contingency of future wars is among the most cogent arguments for steady and determined economy, and for rapidly extinguishing our debt. And the way to proceed in Parliament seems manifest, viz., to press forwards a vote, that *no payments can be guaranteed for the Debt after a fixed day,—say, after Jan. 1st, 1880*; leaving the Ministry to find out by what subsidiary measures they may then best reconcile the interests and the rights of the tax-payer and the public creditor. Of course such a vote cannot be carried until there is force sufficient to displace one Ministry and seat another; but a very small

* Virginia set up her own House of Burgesses, by the mere birthright of Englishmen; which was acknowledged, as of course, by James I. By the same birthright, Americans of the United States establish their own municipalities as fast as they are wanted; a birthright of which some illegal act of Parliament has deprived Englishmen in Canada.

energetic minority, by wielding at the same time a declaratory law, such as was above imagined, "that no Parliament has constitutional power to dictate to its successors concerning the taxes to be levied, &c." would excite so much uneasiness and alarm in Whigs or Tories, that it would before long be taken up as a Ministerial measure. So great is the force of simple truth.

Before sounder principle can become victorious, another useful enactment might *at once* obtain favour with a generation that is accustomed to forestalments. About one-half of the Terminable Annuities will expire in 1860, and the rest will rapidly follow. May we not assume that a large majority in Parliament would assent to a prospective Bill, enacting that the annual *two, three, four* millions which will thus accrue to the Exchequer, should not be remitted to the public, but applied to convert a new portion of the Debt into a terminable form? If we wait till 1860, there will be far greater unwillingness than now, to pass such a bill. At present to propose it, needs little boldness; it will entail little loss of popularity with the mass of the unthinking, and, if brought forward by an unofficial person, is not likely to meet strenuous Ministerial opposition.

Still, to obtain decisive and valuable results, we want a proclamation and re-establishment of sound old principles,—*old*, but which now seem *new*, to those who mistake recent Disorder for eternal Order, and fancy themselves to be the only admirers of the old English Constitution. We want a freer use of Declaratory Law, to limit the functions of a Parliament which, like all other despots, is becoming languid under excess of business, and a slave to its Ministers. Declaratory Law, says a modern constitutional lawyer,* is the weapon by which the battles of English freedom have always been fought. By laws enunciating what things "*are and always have been*" the birthright of Englishmen, it is to be hoped that the local rights of our colonies, of our counties, and of

* Mr. Toulmin Smith, in his remarkable volume, entitled, "Government by Commissions Illegal and Pernicious, 1849."

our municipalities, shall be won ; the duties of the Parliament and of the Ministry shall be simplified and elevated ; the web of centralisation shall be disentangled ; the cords which now confine and strangle the kingdom and empire shall become friendly bands ; the energies of industry unloosed shall repair the profligate expenditure of past days ; the Crown and the nobility shall be strengthened in honour by the public content.

So let us hope ! Yet that any settlement of our Debt,—any removal of the incubus which now certainly darkens our future,—may be possible, two things are absolutely essential ; strict frugality, and solemn guarantees against *new* mortgagings of industry. Whoever omits either of these, cannot approach the problem of repayment ; and if any one talks high of upholding Public Credit, yet encourages living up to our income, and opposes every method of terminating our liabilities within a period which legislation can reach ;—then, knowingly or unknowingly, he is truly and effectually strengthening revolutionary influences, whether he wear the name of Tory or Whig, Conservative or Economist.







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